

Message

From: Curtin, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=728048227D024E0CB67932883007A4F9-JCURTIN]
Sent: 8/31/2018 7:32:16 PM
To: Schroer, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=573fc5bb4942495d9fc3cd9438634244-LSCHROER]
Subject: RE: And another NOI - Deschutes

Will do. Thanks.

Jim

Jim Curtin
USEPA Office of General Counsel
Water Law Office
202-564-5482
William Jefferson Clinton North Rm. 7451

From: Schroer, Lee
Sent: Friday, August 31, 2018 2:37 PM
To: Curtin, James <curtin.james@epa.gov>
Subject: RE: And another NOI - Deschutes

When you get the actual NOI, be sure to send the two to three sentence summary to Front Office and upload to the NOI database. You can now check the box to approve uploading to the web.

Lee C. Schroer
Office of General Counsel (Mail Code 2355A)
Room 7518 C William Jefferson Clinton North Building
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Tel: 202-564-5476

From: Curtin, James
Sent: Thursday, August 30, 2018 7:44 PM
To: Schroer, Lee <schroer.lee@epa.gov>
Subject: Re: And another NOI - Deschutes

The day after we paid their fees. Come on, guys.

Sent from my iPhone

On Aug 30, 2018, at 7:34 PM, Schroer, Lee <schroer.lee@epa.gov> wrote:

It was such a brief respite.

Sent from my iPhone

On Aug 30, 2018, at 5:02 PM, Curtin, James <curtin.james@epa.gov> wrote:

Looks like you got Allyn's earlier email. Can't say I'm surprised.

Jim

Jim Curtin
USEPA Office of General Counsel
Water Law Office
202-564-5482
William Jefferson Clinton North Rm. 7451

From: Brown, Leah
Sent: Thursday, August 30, 2018 4:45 PM
To: sonya.shea@usdoj.gov; Curtin, James <curtin.james@epa.gov>
Subject: FW: And another NOI - Deschutes

I haven't seen this yet Personal Privacy / Ex. 6
Personal Privacy / Ex. 6

Leah Brown
Assistant Regional Counsel
(206) 553-8694
brown.leah@epa.gov

From: Stern, Allyn
Sent: Thursday, August 30, 2018 1:29 PM
To: Fidis, Alexander <Fidis.Alexander@epa.gov>
Cc: Croxton, David <Croxton.David@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>; Brown, Leah <Brown.Leah@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>
Subject: And another NOI - Deschutes

Just received the 60 day notice from NWEA for failure to establish replacement TMDLs on the Deschutes. We just did the disapproval on June 29, 2018

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Aug 30, 2018, at 9:06 AM, Fidis, Alexander <Fidis.Alexander@epa.gov> wrote:

Lori, Dave and Jill-
Allyn was able to track down the Center for Biological Diversity Oregon ocean acidification NOI on Inside EPA. Below is the excerpt of the notice dealing with the two legal claims. As we anticipated, one is CWA mandatory duty and the other is APA unreasonable delay.

EPA's failure to perform its non-discretionary duty under section 303(d)(2) to identify waters not meeting water quality standards within thirty days of its disapproval of Oregon's 2012 303(d) list constitutes a

violation of the CWA. To date, EPA has not taken final action on its proposal to add 332 impaired waters nor has it identified any waters impaired by ocean acidification for Oregon's 2012 303(d) list. More than a year and a half have elapsed since EPA partially disapproved Oregon's 2012 303(d) list, and EPA has failed to act within the 30-day time limit. EPA is in violation of section 303(d) of the CWA, 33 U.S.C. § 1313(d)(2), and the Administrative Procedure Act for unlawfully withholding and unreasonably delaying action. 5 U.S.C. § 706(1).

<OR OA NOI.pdf>